CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓ Force	☐ Discourt.	☐ U.S.
Ella Mintz		Squad #1	201804908	☐ Abuse	O.L.	Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Sunday, 06/17/2018 1:40 PM		§ 87(2)(b)		25	12/17/2019	12/17/2019
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	Received at CCI	RB
Tue, 06/19/2018 3:53 PM		Precinct	In-person	Tue, 06/19	9/2018 3:53 PM	
Complainant/Victim	Type	Home Addre	ess			
Witness(es)		Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POF Tamika Cirino	13621	946861	PSA 5			
Witness Officer(s)	Shield I	No Tax No	Cmd Name			
1. POM Jason Chung	03196	964444	PSA 5			
2. SGT Evan Dumont	03956	948920	PSA 5			
3. POM Franco Escobar	12025	955903	PSA 5			
4. POF Julia Aymar	04539	939891	PSA 5			
Officer(s)	Allegati	ion		Inve	estigator Recon	nmendation
A.POF Tamika Cirino	Force: P	Police Officer Tamika Cir 87(2)(b)	rino used physical fo	orce		

Case Summary

On June 19, 2018, § 87(2)(b) filed this complaint in person at the 32nd Precinct stationhouse. On June 17, 2018 at approximately 1:40PM at their apartment located at \$87(2)(b) § 87(2)(b) in Manhattan, § 87(2)(b) and her sister, § 87(2)(b) got into a physical altercation. Police Officer Tamika Cirino, Julia Aymar, Franco Escobar, and Jason Chung, all of PSA 5, responded to the location where \$87(2)(b) gave them consent to enter. PO Cirino allegedly punched \$87(2)(6) in the face. (Allegation A-Force: § 87(2)(g) were both arrested as a result of this incident; both were charged with assault. In addition, § 87(2)(b) was charged with assaulting a police officer. Video footage from the apartment building was obtained from NYCHA but it did not capture the incident, as there were no cameras located on the eighth floor (Board Review 01). **Findings and Recommendations** Allegation A-Force: Police Officer Tamika Cirino used physical force against [8] 87(2)(5) testified that she and her sister, \$87(2)(b) got into a physical fight over the use of an iPhone charger (Board Review 02). As a result of this fight, \$37()(b) sustained scratches to her face and a bite mark to one of her fingers. §87(2)(b) sustained numerous scratches to her face and a bite mark on her pinky finger. After the fight, § 87(2)(b) locked herself in her bedroom, where she sat on the dresser, wrapped solely in a towel. § 87(2)(b) s face was bleeding from the scratches she sustained during the fight. PO Cirino entered § 87(2)(b) s room and told her to get dressed because she had to go to the precinct. § 87(2)(b) entered the room with PO Cirino. § 87(2)(b) PO Cirino that she did not want to get dressed. PO Cirino told §87(2)(6) to get dressed at least three times but § 87(2)(b) refused to cooperate. § 87(2)(b) said that she was not going anywhere. PO Aymar entered the room at one point during the verbal exchange. § 87(2)(b) got up from her dresser and stood face to face with PO Cirino. PO Cirino said, "You're going to the precinct like this" and grabbed \$87(2)(b) by her upper arms. § 87(2)(b) tried to move her arms away but she was unable to do so. PO Cirino pushed her face down on her bed. §87(2)(6) screamed and squirmed to try and escape PO Cirino's grasp. PO Cirino handcuffed \$87(2)(b) After she was cuffed, § 87(2)(b) squirmed her body enough so that she flipped over so she faced PO Cirino. PO Cirino then punched \$87(2)(b) approximately six times all over her face using a closed fist. § 87(2)(b) sustained a bruise under her right eve and \$ screamed for PO Cirino to stop. as a result. § 87(2)(b) never struck or punched PO Cirino at any point. § 87(2)(b) rolled off the bed, hitting her body on the dresser, which caused more bruising to her arms and thighs. PO Cirino walked toward her but PO Aymar separated the two of them. PO Aymar unhandcuffed § 87(2)(b) and allowed her to get dressed; § 87(2)(b) no further interactions with PO Cirino.

§ 87(2)(b)	s arrest photo shows	s multiple scratches below her eyes (Board Review
03). § 87(2)(b)		l attention during her arrest processing but went to
that she got into a f	ight with her sister and the	r her release. §87(2)(b) told her doctor hat "the responding officer physically assaulted her by
grabbing her and n	ushing her that ultimatel	y caused her to fall and hit her upper and lower
		I ground" (Privileged Documents). There is no
8 87(2)(b)	had scratches to her	nched or a right eye injury in the medical records. cheeks and got her X-Rays done of both of her hands.
At the hearital a pl	hate of \$ 97/2/b	s feed was taken; the photo is shadowed so it is
At the hospital, a pi	hoto of sor(2)(3)	s face was taken; the photo is shadowed so it is k eye. However, her right eye is not noticeably
	nas a blac	k eye. However, her right eye is not noticeably
		lmost identical to the left eye. § 87(2)(b)
was prescribed ibup	proten for pain.	
		o came into §87(2)(b) s room,
		and asked to get dressed (Board Review 04). PO
Cirino refused to le	t her get dressed. PO Cir	rino handcuffed § 87(2)(b) and shortly
thereafter punched	her approximately seven	times on her body and on her head seemingly out of
nowhere. § 87(2)(1	yelled at PO Cirin	o and stepped out of the room because she was upset.
PO Cirino corrobor	rated § 87(2)(b)	s testimony in that PO Cirino repeatedly tried to
get § 87(2)(b)	to get dressed.	refused to do so, and stood face
to face with PO Cir	ino (Board Review 05).	PO Cirino testified that PO Aymar then came into the
room and spoke to	\$ 87(2)(b)	n Spanish, which PO Cirino does not understand. PO
Aymar told PO Ciri	ino that § 87(2)(b)	agreed to get dressed but that she wanted
privacy PO Cirino	told 8.87(2)(b)	agreed to get dressed but that she wanted that she could not be left alone. §87(2)(b)
privacy. FO Cirilo	t DO Civing a smalph of how	unat she could not be left alone. Soleto
		r clothes and "charged toward" PO Aymar. At this
_		enough chances to get dressed on
her own accord. PC	Cirino grabbed § 87(2)(b)	by one of her wrists and placed
§ 87(2)(b)	face down on the be	d. § 87(2)(b) put her foot against PO
		r back was on the bed and she was facing PO Cirino.
		s arm. Using both hands, § 87(2)(b)
		ached to grab hold of her radio which was located on
her shoulder, and re	eached for her shield. § 870	reached over to scratch PO
Cirino's face but Po	O Cirino blocked it with	her right arm, which led to § 87(2)(b)
		d \$87(2)(b) to "Stop" multiple times but
		n estimated two to four times at §87(2)(b)
		swung at §87(2)(b) or if any of her
strikes landed PO	Ciring did not know if sh	was using an open or closed fist while striking at
§ 87(2)(b)		
0 0	Cirino was unsure if she	
	into the room and pulled	· ·
		stepped away, out of the room and did not have any
further interaction v		PO Cirino never used any physical force against
§ 87(2)(b)	after § 87(2)(b)	was in handcuffs.
The AIDED	managed for DO Cining 1	a consistant with how tooting arms a plate attacks 1.1
THE AIDED report	prepared for PU Cirino 1	s consistent with her testimony; a photo attached to

The AIDED report prepared for PO Cirino is consistent with her testimony; a photo attached to the AIDED report shows PO Cirino's arm but the photo does not show any visible injuries (Board Review 06). The LOD report prepared for PO Cirino notes that she was treated for a contusion to her right elbow and substantial forearm pain.

PO Aymar stated that she agreed to accompany §87(2)(b) to the bathroom to get
changed and that when §87(2)(b) walked to follow her out of the bedroom, PO
Cirino grabbed \$87(2)(6) by her arm (Board Review 07). PO Aymar assumed that
PO Cirino believed that \$87(2)(b) was attempting to escape. While on the bed,
who was not in handcuffs, flipped herself over so that she was facing PO
Cirino and moved her hands in front of her chest and her face. PO Aymar believed that
"probably" struck PO Cirino at some point. PO Cirino was defending
herself by doing the same thing as \$87(2)(b) in that she was also moving her hands
in front of her chest and face. PO Aymar could not say if PO Cirino made contact with
\$ 87(2)(b) and said she did not see PO Cirino ever punch \$ 87(2)(b) in
the face but stated that she might have. PO Aymar could not see exactly what was going on
because it happened quickly and that all she saw were "just hands." PO Aymar did not believe
that PO Cirino ever used a closed fist at any point. The physical interaction lasted approximately
five seconds. PO Escobar ran inside the room and PO Cirino got up off of the bed and exited the
room. PO Escobar then grabbed \$87(2)(b) pulled her up, put her up against a
dresser and both PO Aymar and PO Escobar handcuffed her without incident.
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PO Escobar stated that he was in the hallway of the apartment when he heard a crash coming
from inside of \$87(2)(b) s bedroom (Board Review 08). PO Escobar rushed into the
room and saw PO Aymar, PO Cirino, and § 87(2)(b) clustered by the dresser.
had her back against the dresser and both PO Aymar and PO Cirino were
faced toward her. PO Aymar was standing in between PO Cirino and §87(2)(b) it
appeared to PO Escobar that she was trying to separate them. §87(2)(b) repeatedly
reached over PO Aymar's body with a closed fist and punched PO Cirino multiple times in the
arm. PO Cirino was reaching over PO Aymar and was "swinging" at \$87(2)(b) One
of PO Cirino's hands was open and the other was in a loosely formed fist that PO Escobar
described as a "paw thing." PO Escobar did not know if PO Cirino ever made contact with
PO Escobar did not know if PO Cirino ever punched \$87(2)(b)
in the face. PO Escobar handcuffed \$87(2)(b) after PO Cirino left the
room.
Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the
safety of a member of the service or when it is reasonable to place a person in custody (Board
Review 09). In determining whether the use of force is reasonable, officers should consider the
actions taken by the subject and whether the subject is actively resisting custody.
§ 87(2)(b), § 87(2)(g)
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Civilian and Officer CCRB Histories

- This is the first complaint to which §87(2)(b) has been a party.
 Police Officer Tamika Cirino has been a member of service for ten years and has been a subject in two CCRB complaints and three allegations, of which none were substantiated.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of October 11, 2018, the New York City Office of the Comptroller has no record of a notice of claim filed in connection with this incident.

Squad:			
Investigator: _			
	Signature	Print	Date
Squad Leader: _			
-	Title/Signature	Print	Date
Reviewer:			
	Title/Signature	Print	Date